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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 9 July 2010 from the Secretary-General addressed to the President of the General Assembly

In accordance with paragraph 6 (h) of General Assembly resolution ES-10/17 of 15 December 2006, I have the honour to transmit herewith a progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 18 June 2010 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General

We have the honour to render herewith a progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly in accordance with paragraph 6 (h) of resolution ES-10/17.

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

The Board of the United Nations Register of Damage (the Register of Damage) Caused by the Construction of the Wall in the Occupied Palestinian Territory renders this progress report in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17 covering the period from 10 April 2009 to 18 June 2010. The Board's previous report was contained in document A/ES-10/455 of 4 May 2009.

Guided by provisions of General Assembly resolution ES-10/17, relevant findings of the International Court of Justice's advisory opinion rendered on 9 July 2004 and general principles of international law and due process of law, the Board adopted revised Rules and Regulations Governing the Registration of Claims in June 2009, including eligibility criteria (summarized below). In addition, in May 2009 the Office of the Register of Damage established its website (www.unrod.org), with links to its basic documents, including the revised Rules and Regulations.

Since the Board's last report, the work of collecting, processing and reviewing claim forms for registration of damage and considering them for inclusion in the Register was continued.

It is expected that, within the next month, claim intake will be completed in two out of nine governorates affected by the construction of the Wall — Jenin and Tubas — covering 36 communities. A team of claim intakers working in the West Bank has, as of 18 June 2010, collected 6,770 claim forms and over 50,000 supporting documents, which have been delivered to the Office of the Register of Damage in Vienna. The claim intake is currently proceeding in the Tulkarm and Qalqiliya governorates, as well as in some communities around East Jerusalem.

The Board has, as of 18 June 2010, reviewed 1,554 claim forms, which had been translated from Arabic into English, processed through the Register's electronic database and reviewed by the staff of the Office. The Board has decided to include most or all of the losses in 1,551 claim forms in the Register, not to include 2 claim forms, in accordance with the eligibility criteria, and to defer action on 1 claim form.

During the reporting period, the Board held five meetings in Vienna to review 1,284 claim forms that had been translated, processed and reviewed by the Office staff. The Board met from 15 to 19 June 2009, from 28 September to 1 October 2009, from 14 to 17 December 2009, from 15 to 19 March 2010 and from 14 to 18 June 2010. At the five meetings, respectively, the Board reviewed and decided to include in the Register most or all of the losses set out in 135 claim forms (except for one claim form where none of the losses met the eligibility criteria), 261 claim forms (except for one claim form on which it decided to defer action), 112 claim forms, 287 claim forms and 489 claim forms.

In accordance with article 11 of the Rules and Regulations, claims are eligible for inclusion in the Register if: (a) the claimant is a natural or legal person; (b) the claimant has substantially met the technical requirements for submitting a claim; (c) the claim is within the jurisdiction of the Register of Damage; (d) the claimant has established a legal interest in the claimed damage; (e) the claimed damage is material; (f) the claimant has established a causal link between the claimed damage

and the construction of the Wall in the Occupied Palestinian Territory; (g) the claimed damage was in fact sustained; (h) the documents and assertions in support of the claim are substantially consistent; and (i) the claim has been established prima facie, based on the information and documents submitted by the claimant, giving the claimant the benefit of the doubt in appropriate cases and bearing in mind the varying circumstances with regard to title and residency status of claimants.

In view of the number of claims presented to the Board at each of its meetings, in accordance with article 12 of its Rules and Regulations the Board employed sampling in conducting its review. The Board's decisions with respect to inclusion of claims were based on information provided by claimants and others. In accordance with its mandate, the Board decided to include in the Register only losses or damage cause by the construction of the Wall within the Occupied Palestinian Territory and only to the extent of loss or damage sustained within that Territory. In addition, where it appeared that the asserted quantities for some or all of the losses in the claim might exceed the claimant's apparent interest or share, the Board decided that the claims should be included in the Register only to the extent of each claimant's interest or share. Further, where the claimant indicated that movable property, such as livestock, had to be sold as a result of the construction of the Wall, the loss of such property has been included in the Register and no determination has been made as to the price received or any corresponding offset, since this would be beyond the mandate of the Register of Damage. Similarly, some claims included in the Register list both the loss of an asset and the loss of income from that asset without regard as to whether future lost income might be considered as part of the value of the asset.

Despite the exceptionally diligent and dedicated work of the secretariat, there is a considerable gap between the number of claim forms collected and processed by the Vienna Office of the Register of Damage. This gap may grow unless the staffing of the Vienna Office is increased.

The activities of the claim intake team have been funded by generous contributions from Austria, Belgium, Finland, France, the Hashemite Kingdom of Jordan, the Philippines, the Kingdom of Saudi Arabia, Switzerland and the Organization of the Petroleum Exporting Countries (OPEC) Fund for International Development. The Board would like to express its appreciation to them for funding resources and enabling the implementation of the provisions of General Assembly resolution ES-10/17.

The Board appreciates the cooperation with the Palestinian authorities and the Palestinian National Committee for the Register of Damage, as well as the support provided on many practical aspects by local mayors and members of village councils where outreach and claim intake activities have been undertaken. In April 2010, the Executive Director of the Office of the Register, Mr. Vladimir Goryayev, visited the Occupied Palestinian Territory and held in-depth consultations about Register activities with officials of the Palestinian Authority, including Prime Minister Salam Fayyad, who expressed his appreciation for the results achieved so far and his full support and cooperation with the implementation of the mandate of the Register in the months to come. The Chairman of the Palestinian National Committee for the Register of Damage and some of its members also visited the Office of the Register to discuss practical issues related to all aspects of the activities carried out by the Office.

The Government of Israel maintains its well known position of not cooperating with the Office of the Register and considering that any claims in relation to damage caused by the construction of the wall should be addressed through the existing Israeli mechanism. At the same time, on a practical level, the Office of the Register has not experienced any difficulties in carrying out its activities as outlined in General Assembly resolution ES-10/17.

The Board of the Register of Damage will continue to render periodic reports in accordance with article 17 of its Rules and Regulations.

Members of the Board of the Register of Damage
Vienna, 18 June 2010

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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fifth year

Identical letters dated 20 August 2010 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I regret to inform you of ongoing and intensifying acts of violence and terrorism being perpetrated by illegal Israeli settlers against Palestinian civilians and their properties in the Occupied Palestinian Territory, including East Jerusalem.

More than half a million Israeli settlers have been illegally transferred by Israel, the occupying Power, to the more than 144 settlements and over 100 so-called "outposts" that have been illegally constructed in the Occupied Palestinian Territory, including in Occupied East Jerusalem. Many of these settlers are armed, militant and radical, espousing extremist views and positions in rejection of the very presence and existence of the Palestinian people.

The continuing and escalating acts of violence, lawlessness and terror being perpetrated by such radical Israeli settlers include, but have not been limited to, the beating and killing of Palestinian civilians, including children, the torching of fields and orchards, the uprooting of olive trees, the vandalizing and torching of homes and vehicles, the throwing of stones, the desecration of mosques and cemeteries, the pollution of the water supply, and the harassment and humiliation of Palestinians. In the recent period, many such acts have been carried out by settlers as part of a so-called "price-tag" policy in rejection of any attempts to freeze settlement activities in the Occupied Palestinian Territory, including in East Jerusalem. In addition, typically such illegal actions by Israeli settlers are perpetrated in full view of the Israeli occupying forces, who continue to fail to impose law and order upon these radical settlers or to hold them accountable for their crimes.

In this regard, I must draw your attention to the following illegal, brutal actions committed by Israeli settlers against Palestinian civilians and their properties in the current time period:

- 18 July 2010: a young Palestinian boy, Abdullah Al-Mohtasib, aged 11, was hit by a settler on a speeding motorcycle in the Old City of Al-Khalil (Hebron).

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- 21 July 2010: settlers stole sheep from a young Palestinian shepherd in the village of Tuba south of Al-Khalil (Hebron).
- 22 July 2010: settlers set fire to olive trees in Saffa village near Ramallah, burning more than 7 square kilometres of land and trees. When villagers and firefighters tried to put out the inferno, the Israeli occupying forces refused to allow them to access the land.
- 26 July 2010: settlers stoned Palestinians near the West Bank city of Nablus and set fire to olive trees in an orchard in Burin village.
- 29 July 2010: settlers stormed a building in the Old City of East Jerusalem and evicted three Palestinian families from their homes, resulting in the displacement and homelessness of 50 people, including children.
- 30 July 2010: settlers caused damage to a vegetable field in Um Al-Khair village in southern Al-Khalil (Hebron), slashed water pipes and destroyed fencing. The damaged field was the primary food and economic resource for the Bedouin families living there.
- 30 July 2010: settlers attacked Burin village, setting fire to land and trees, and broke into a home which was under construction and tried to demolish it.
- 6 August 2010: settlers set fire to hundreds of dunums of farmland in the northern West Bank village of Beit Furik. That same day, settlers in the Al-Buwayra area east of Al-Khalil (Hebron) attacked and assaulted a Palestinian woman, Suzan Sultan, aged 51, causing multiple injuries to her head and body for which she required medical treatment. In addition, settlers attacked two international peace activists from Canada and Denmark who had been in Al-Buwayra, beating them with metal poles and wooden sticks and stealing their passports and cameras.
- 8 August 2010: settlers attacked a Palestinian bus in an area near an illegal settlement south of Nablus, shattering the windows of the bus.
- 15 August 2010: settlers in Al-Khalil (Hebron) attacked and beat a 10-year-old Palestinian girl, Inas Mazen Qaaqour, who had to be hospitalized for treatment of her wounds. On that same day, an Israeli military jeep struck an 8-year-old Palestinian boy also in Al-Khalil.

In addition to these acts of violence and depravity by Israeli settlers, Israel also flagrantly continues to construct and expand in the West Bank, including in and around East Jerusalem, in breach of international law and in defiance of the international calls and appeals for a full cessation of settlement activities in the Palestinian land occupied by Israel since 1967. Recently plans for expansion in eight illegal settlements were revealed in addition to plans for the establishment of a new settlement in the northern West Bank. Moreover, earlier this month, the occupying Power approved the construction of 40 new settlement units in the illegal settlement of "Pisgat Ze'ev" in Occupied East Jerusalem.

Israel also continues with its illegal policy of demolition of Palestinian homes and eviction of Palestinian families in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory. Israeli occupying forces in July and August 2010 have demolished all the structures in Al-Farsiya village near Tubas in the northern Jordan Valley rendering Palestinian residents homeless. According to *B'Tselem*, the

Israeli Information Centre for Human Rights, Israel "allows the settlements established in the Jordan Valley to build extensively, and even restorative construction carried out without permits".

This blatant, relentless colonization of the Palestinian land has been perpetrated by the occupying Power in grave breach of the relevant provisions of the Fourth Geneva Convention. Ongoing settlement construction, expansion and transfer of Israeli settlers also constitute direct and serious violations of numerous Security Council resolutions as well as of obligations undertaken by Israel under the Quartet road map.

Moreover, in this regard, settlement activities and Israeli settler violence, lawlessness and terror against Palestinian civilians and properties in the Occupied Palestinian Territory remain a source of great tension, threatening to further destabilize the fragile situation on the ground and negatively impacting the resumption of the peace process between the two parties as it has consistently done in the past.

This letter is in follow-up to our previous 372 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 13 July 2010 (A/ES-10/497-S/2010/379) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations